IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 670 of 2006

Vijay Singh Pal S/o Shri Indar Singh Pal
R/o Chinka Patwari Circle
Police Station Chamoli
District Chamoli Garhwal ....Applicant

Vs.

1. State of Uttaranchal
2. Atul Sharma S/o Late Brahma Datt Sharma
   R/o Railway Station Road
   Ramnagar .... Respondents

Sri Navneet Kaushik, learned counsel for the applicant.
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the petitioner for quashing the entire proceedings in Criminal Case No. 212 of 2006, Shri Atul Sharma Vs. Shri Vijay Singh Pal under Section 500 I.P.C. pending before the Judicial magistrate, Ramnagar, District Nainital.

2. Brief facts of the case are that the complaint was filed by the respondent No. 2 against the petitioner alleging therein that the complainant was the Managing Director of M/s Sky and Snow Resort Pvt. Ltd. and the transaction was done between the complainant and the petitioner after completing of the relevant formalities including mutation etc. Thereafter, the complainant established a Report over the said property. On 10 October, 2005, the petitioner sent a legal notice through his lawyer to respondent No. 2 alleging therein that he had committed a fraud on the present petitioner as no consideration was paid for the above transaction. The respondent No. 2 replied the aforesaid notice and refuted all the allegations made therein. In the complaint, it has further been alleged that the petitioner sent the complaint to different

officers of the State, making frivolous allegation against the complainant, thereby causing imputation harming the reputation of the complainant. The complainant had thus filed a complaint under Section 500 Cr.P.C. against the petitioner.

3. The trial court after having considered the allegations made in the complaint as well as the material placed before it was pleased to summon the petitioner to face the trial in Criminal Case No. 212 of 2006 vide order dated 24.02.2006.

4. The petitioner has therefore filed this petition under Section 482 Cr. P.C. for quashing the summoning order as well as the entire proceedings of the above stated criminal case.

5. Heard Sri Navneet Kaushik, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

6. The facts mentioned in the petition are the disputed question of fact, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the reliability at this stage. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

7. Therefore, the petition lacks merit and is liable to be dismissed.

8. Accordingly, the petitioner under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

18.08.2006.

ASWAL